

REPORT OF: ASSISTANT DIRECTOR, PLANNING, BUILDING CONTROL & REGULATORY SERVICES

TO: Executive

DATE: 29th May 2025

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Street Trading Policy and Gambling Policy

PURPOSE OF REPORT

To agree on the recommendations to Council from the Executive regarding the updated Street Trading Policy and the Gambling Policy of the Council.

RECOMMENDATIONS

- 1 That the Executive recommends that Council adopt the policies as set out at Appendices 1 and 2.

REASONS FOR RECOMMENDATION

- 1 In order that Pendle has up to date policies on Street Trading and Gambling.

BACKGROUND

- 1 Street Trading and Gambling are activities that are subject to a consent regime. Street Trading is administered by Pendle Borough Council whilst Gambling is a mixture of control by the Local Licensing Authority and the Gambling Commission.
- 2 The policies of the Council on both of these activities need to be updated periodically to ensure they are up to date with new guidance and are fit for purpose.
- 3 The Gambling Policy was considered by the Licensing Committee on 13th March 2025. The Committee agreed to the policy being consulted on without modifications.
- 4 The Street Trading Policy was considered by the Licensing Committee in August 2024. It has been out to consultation. Full details of that and the responses are given below.
- 5 Both policies have been consulted on. No responses were received to the Gambling Policy Consultation. The Street Trading Policy received 4 responses which are appended in Appendices 3-6 inclusive.

Street Trading Policy

- 6 The draft Street Trading Policy was considered by the Licensing Committee at its meeting on 29th August 2024. The Committee considered the draft policy and agreed that additional items should be added into it including requiring licence holders signing up to the update service for Data Disclosure and Barring Service and tightening up on when licences would be issued for people convicted of sexual and indecency offences.
- 7 The policy also will prevent the sale of vehicles from a public highway.
- 8 Hours of trading in residential areas is proposed to be restricted to between the hours of 09:00hrs and 21:00hrs. Slightly longer hours will be allowed on industrial estates. The shorter hours are to protect amenity in residential areas.
- 9 The previous policy referred to requirements of duty holders for most things including DBS checks. The revised policy extends these requirements to duty holders and employees.
- 10 Comments have been received, as attached at Appendices 3-6, about the issue of limiting the number of vendors for Ice Cream Vans. The issues raised revolve around saturation of the market and that not having limits will affect the ability to trade.
- 11 The law surrounding the circumstances of when limits can be put on is as follows:

Local Government (Miscellaneous Provisions) Act 1982. Schedule 4 (3) (6) sets out the circumstances in which a licence can be refused. These are:

(a) that there is not enough space in the street for the applicant to engage in the trading in which he desires to engage without causing undue interference or inconvenience to persons using the street;
(b) that there are already enough traders trading in the street from shops or otherwise in the goods in which the applicant desires to trade;
- 12 There are only 6 ice cream vendors in Pendle. With the requirement to refuse a licence only being able to be brought on grounds (a) & (b) above there is no evidence that the trading in Pendle would cause undue interference with persons using the streets or that there were enough street traders already trading.
- 13 The overarching principle on trading in the United Kingdom is to promote competition and have open trade. Restricting the number of ice cream vans would not do that and as there is no evidence that criteria (a) or (b) would be breached there is no lawful justification for restricting the number of vendors that can operate in Pendle. If for an unexpected reason significant numbers come forward the Council can use criteria (a) or (b) to refuse applications. There would however need to be a much higher number of traders coming forward in order to be able to justify that.

Gambling Policy

- 14 The Gambling Policy has not seen any new Guidance or legislation changes since our last policy was published in January 2022. The policy needs to be updated every three years.
- 15 No changes were proposed to the policy and no adverse comments have been received to the consultation.

IMPLICATIONS

Policy: None arising directly from this report.

Financial: None arising directly from this report.

Legal: None arising directly from this report.

Risk Management: None arising directly from this report.

Health and Safety: None arising directly from this report.

Sustainability: None arising directly from this report.

Community Safety: None arising directly from this report.

Equality and Diversity: None arising directly from this report.

APPENDICES

Appendix 1 Draft Street Trading Policy

Appendix 2 Draft Gambling Policy

Appendices 3-6 Public comments on Street Trading

LIST OF BACKGROUND PAPERS